

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

ARBOR NETWORKS, INC.,

Plaintiff,

v.

WILLIAM E. RONCA III, RICHARD SHIRLEY,  
DOUGLAS FLEMING, JAMES GILL, JAMES  
NEEL, JASON MCEACHIN, MICHAEL L.  
PORTER, ANDREW HENKART, PAUL  
SCANLON, MICHAEL HOLLYMAN, and  
RED LAMBDA, INC.,

Defendants.

---

C.A. No. \_\_\_\_\_

**PLAINTIFF’S MOTION  
FOR A PRELIMINARY INJUNCTION**

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, the Plaintiff, Arbor Networks, Inc. (“Arbor” or “Plaintiff”), hereby respectfully seeks a preliminary injunction enjoining the Defendants, William E. Ronca, III (“Ronca”), Richard Shirley (“Shirley”), Douglas Fleming (“Fleming”), James Gill (“Gill”), James Neel (“Neel”), Jason McEachin (“McEachin”), Michael L. Porter (“Porter”), Andrew Henkart (“Henkart”), Paul Scanlon (“Scanlon”), Michael Hollyman (“Hollyman”) and Red Lambda, Inc. (“Red Lambda”) (collectively, the “Defendants”) consistent with the proposed Order attached hereto as Exhibit 1.

In support of this motion, Plaintiff hereby incorporates by reference the Verified Complaint, the Memorandum of Law in Support of Plaintiff’s Motion for a Temporary Restraining Order and Motion for a Preliminary Injunction, and the Affidavits of Dawn Mertineit, Esq., Chris Conry, and Carlos Morales, each filed contemporaneously herewith.

As set forth more fully in the accompanying Memorandum of Law, there is a substantial likelihood that Arbor will succeed on the merits of its claims against Defendants; without a preliminary injunction, there is substantial risk that Arbor will suffer irreparable harm; the balance of harms weighs in favor of Arbor; and the requested preliminary injunction will not adversely affect the public interest.

**WHEREFORE**, Plaintiff respectfully requests that, after a hearing, the Court enter a Preliminary Injunction Order consistent with the proposed Order attached hereto as Exhibit 1.

**REQUEST FOR ORAL ARGUMENT**

Respectfully submitted,

ARBOR NETWORKS, INC.

By its attorneys,

/s/ Dawn Mertineit  
Katherine E. Perrelli (BBO #549820)  
Dawn Mertineit (BBO #669988)  
SEYFARTH SHAW LLP  
World Trade Center East  
Two Seaport Lane, Suite 300  
Boston, Massachusetts 02210  
(617) 946-4800

Dated: July 19, 2012